WWR#4287982

## IN THE UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF INDIANA AT INDIANAPOLIS

IN RE:

CASE NO. 05-06437

DARREN L. BUNCH

**CHAPTER 7** 

BETH A. BUNCH

JUDGE LORCH

**DEBTORS** 

HUNTINGTON NATIONAL BANK'S MOTION FOR RELIEF FROM STAY AND ABANDONMENT AS TO 2004 CHEVROLET TRAIL BLAZER

Now comes, HUNTINGTON NATIONAL BANK, secured Creditor in the above captioned proceeding, and pursuant to 11 U.S.C. § 362(d), moves this Court for an order terminating the stay and abandoning personal property to enable Creditor to recover and dispose of its collateral: 2004 CHEVROLET TRAIL BLAZER. Support for this Motion is set forth in the following Memorandum. Movant further requests that the stay remains terminated in the event the debtor converts to a different chapter under the Bankruptcy Code. Movant further requests that any order granting this motion also removes the provision for the ten (10) day stay permitted by Rule 4001(a).

WELTMAN, WEINBERG & REIS CO, L.P.A.

Jeannette M. Conrad, (89748) (24581-31)

Karolida F. Perr, (190023) (0066193)

Attorney for Creditor

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(513) 723-2200

## **MEMORANDUM**

- 1. Jurisdiction over this matter is vested in this Court by virtue of 28 U.S.C Section 1334(b) and the general order of reference previously entered in this district.
  - 2. This is a core proceeding under 28 U.S.C Section 157(b)(2)(G).
- 3. On March 31, 2004, Darren L. and Beth A. Bunch executed one personal loan agreement for the purchase of the following: 2004 CHEVROLET TRAIL BLAZER. Supporting loan documentation and Certificate of Title are attached hereto and made a part hereof.
- 4. As of the April 12, 2005, Debtors were obligated to HUNTINGTON NATIONAL BANK on said obligation in the amount of \$29,329.53. Debtors have not made the required payments and the account is overdue and in default.
- 5. Secured Creditor would like to exercise its right to accelerate the balance due on this obligation, to repossess its collateral, sell the collateral, and apply the net proceeds to this obligation.
- 6. The NADA value of said vehicle \$29,300.00. There is no equity in the collateral for unsecured creditors.

WHEREFORE, for the reasons stated herein, HUNTINGTON NATIONAL BANK respectfully requests that this Court terminate the stay as to 2004 CHEVROLET TRAIL BLAZER and as to HUNTINGTON NATIONAL BANK to permit secured creditor, its successors and assigns, to accelerate its balance due and exercise its contractual and state law remedies, including repossession of the collateral or foreclosure of the subject mortgage.

Movant further requests that an order be issued wherein the trustee's interest in the subject collateral is abandoned. Movant requests further that the stay remain terminated in the event the debtor converts to a different chapter under the Bankruptcy Code.

WELTMAN, WEINBERG & REIS CO., L.P.A.

leannette M. Conrad, (89748) (24581-31)

Karolina F. Perr, (190023) (0066193)

Attorney for Creditor

Acct. No. 4020023645804

## **CERTIFICATE OF SERVICE**

Abandonment has been served this day of day of ., 2005, via first class U.S. Mail with proper postage affixed thereto.

Richard P. Batesky, Jr. 22 E. Washington Street, Ste. 600 Indianapolis, IN 46204

BETH A. BUNCH DARREN L. BUNCH 8953 W. Delchar Drive Edinburgh, IN 46124 Joseph W. Hammes, Trustee 1 Indiana Square, Ste. 1900 Indianapolis, IN 46204

Office of the U. S. Trustee 101 West Ohio Street, Room 1000 Indianapolis, IN 46204

Jeannette M. Conrad, (89748) (24581-31) Karolina F. Perr, (190023) (0066193)

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